



General Assembly

January Session, 2015

Governor's Bill No. 6843

LCO No. 3976



Referred to Committee on GOVERNMENT
ADMINISTRATION AND ELECTIONS

Introduced by:

REP. SHARKEY, 88th Dist.

REP. ARESIMOWICZ, 30th Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

**AN ACT MAKING MINOR REVISIONS TO VARIOUS BOARDS AND
COMMISSIONS STATUTES.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (a) of section 10-153f of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) There shall be in the Department of Education an arbitration
5 panel of not less than twenty-four or more than twenty-nine persons to
6 serve as provided in subsection (c) of this section. The Governor shall
7 appoint such panel, with the advice and consent of the General
8 Assembly, as follows: (1) Seven members shall be representative of the
9 interests of local and regional boards of education and shall be selected
10 from lists of names submitted by such boards; (2) seven members shall
11 be representative of the interests of exclusive bargaining

12 representatives of certified employees and shall be selected from lists
13 of names submitted by such bargaining representatives; and (3) not
14 less than ten or more than fifteen members shall be impartial
15 representatives of the interests of the public in general and shall be
16 residents of the state of Connecticut, experienced in public sector
17 collective bargaining interest impasse resolution and selected from lists
18 of names submitted by the State Board of Education. The lists of names
19 submitted to the Governor pursuant to subdivisions (1) to (3),
20 inclusive, of this subsection shall, in addition to complying with the
21 provisions of section 4-9b, include a report from the State Board of
22 Education certifying that the process conducted for soliciting
23 applicants made adequate outreach to minority communities and
24 documenting that the number and make-up of minority applicants
25 considered reflect the state's racial and ethnic diversity. Each member
26 of the panel shall serve a term of [two] four years, provided each
27 arbitrator shall hold office until a successor is appointed and, provided
28 further, any arbitrator not reappointed shall finish to conclusion any
29 arbitration for which such arbitrator has been selected or appointed.
30 Arbitrators may be removed for good cause. If any vacancy occurs in
31 such panel, the Governor shall act within forty days to fill such
32 vacancy in the manner provided in section 4-19. Persons appointed to
33 the arbitration panel shall serve without compensation but each shall
34 receive a per diem fee for any day during which such person is
35 engaged in the arbitration of a dispute pursuant to this section. The
36 parties to the dispute so arbitrated shall pay the fee in accordance with
37 subsection (c) of this section.

38 Sec. 2. Subsection (a) of section 10a-179 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective from*
40 *passage*):

41 (a) There is created a body politic and corporate to be known as the
42 "State of Connecticut Health and Educational Facilities Authority".
43 Said authority is constituted a public instrumentality and political
44 subdivision of the state and the exercise by the authority of the powers

45 conferred by this chapter shall be deemed and held to be the
46 performance of an essential public and governmental function.
47 Notwithstanding the provisions of the general statutes or any public or
48 special act, the board of directors of said authority shall consist of ten
49 members, two of whom shall be the Secretary of the Office of Policy
50 and Management and the State Treasurer, ex officio, and eight of
51 whom shall be residents of the state appointed by the Governor, not
52 more than four of such appointed members to be members of the same
53 political party. Three of the appointed members shall be current or
54 retired trustees, directors, officers or employees of institutions for
55 higher education, two of the appointed members shall be current or
56 retired trustees, directors, officers or employees of health care
57 institutions and one of such appointed members shall be a person
58 having a favorable reputation for skill, knowledge and experience in
59 state and municipal finance, either as a [partner, officer or employee of
60 an investment banking firm which originates and purchases state and
61 municipal securities,] member of the financial business industry or as
62 an officer or employee of an insurance company or bank whose duties
63 relate to the purchase of state and municipal securities as an
64 investment and to the management and control of a state and
65 municipal securities portfolio. On or before the first day of July,
66 annually, the Governor shall appoint a member or members to succeed
67 those whose terms expire, each for a term of five years and until a
68 successor is appointed and has qualified. The Governor shall fill any
69 vacancy for the unexpired term. A member of the board shall be
70 eligible for reappointment. Any member of the board may be removed
71 by the Governor for misfeasance, malfeasance or wilful neglect of
72 duty. Each member of the board shall take and subscribe the oath or
73 affirmation required by article XI, section 1, of the State Constitution
74 prior to assuming such office. A record of each such oath shall be filed
75 in the office of the Secretary of the State. Each ex-officio member may
76 designate his deputy or any member of his staff to represent him as a
77 member at meetings of the board with full power to act and vote in his
78 behalf.

79 Sec. 3. Subsection (b) of section 12-802 of the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective from*
81 *passage*):

82 (b) The corporation shall be governed by a board of thirteen
83 directors. The Governor, with the advice and consent of the General
84 Assembly, shall appoint [~~four~~] five directors who shall have skill,
85 knowledge and experience in the fields of management, finance or
86 operations in the private sector. [~~Three~~] Two directors shall be the
87 State Treasurer [,] and the Secretary of the Office of Policy and
88 Management, [and the executive director of the Division of Special
89 Revenue, all] both of whom shall serve ex officio and shall have all of
90 the powers and privileges of a member of the board of directors. Each
91 ex-officio director may designate his or her deputy or any member of
92 his or her staff to represent him or her at meetings of the corporation
93 with full power to act and vote on his or her behalf. [The executive
94 director of the Division of Special Revenue shall cease to be a director
95 one year from June 4, 1996, or earlier at the discretion of the Governor.
96 The Governor, with the advice and consent of the General Assembly,
97 shall fill the vacancy created by the removal or departure of the
98 executive director of the Division of Special Revenue with a person
99 who shall have skill, knowledge and experience in the fields of
100 management, finance or operations in the private sector. The Governor
101 shall thereafter have the power to appoint a total of five members to
102 the board.] The procedures of section 4-7 shall apply to the
103 confirmation of the Governor's appointments by both houses of the
104 General Assembly. Six directors shall be appointed as follows: One by
105 the president pro tempore of the Senate, one by the majority leader of
106 the Senate, one by the minority leader of the Senate, one by the speaker
107 of the House of Representatives, one by the majority leader of the
108 House of Representatives and one by the minority leader of the House
109 of Representatives. Each director appointed by the Governor shall
110 serve at the pleasure of the Governor but no longer than the term of
111 office of the Governor or until the director's successor is appointed and
112 qualified, whichever term is longer. Each director appointed by a

113 member of the General Assembly shall serve in accordance with the
114 provisions of section 4-1a. The Governor shall fill any vacancy for the
115 unexpired term of a member appointed by the Governor. The
116 appropriate legislative appointing authority shall fill any vacancy for
117 the unexpired term of a member appointed by such authority. Any
118 director [, other than the executive director of the Division of Special
119 Revenue,] shall be eligible for reappointment. The Commissioner of
120 Consumer Protection shall not serve as a director. Any director may be
121 removed by order of the Superior Court upon application of the
122 Attorney General for misfeasance, malfeasance or wilful neglect of
123 duty. Such actions shall be tried to the court without a jury and shall
124 be privileged in assignment for hearing. If the court, after hearing,
125 finds there is clear and convincing evidence of such misfeasance,
126 malfeasance or wilful neglect of duty it shall order the removal of such
127 director. Any director so removed shall not be reappointed to the
128 board. [Each appointing authority shall make his initial appointment
129 to the board no later than six months following June 4, 1996.]

130 Sec. 4. Subsections (a) and (b) of section 20-8a of the general statutes
131 are repealed and the following is substituted in lieu thereof (*Effective*
132 *from passage*):

133 (a) There shall be within the Department of Public Health a
134 Connecticut Medical Examining Board.

135 [(1) Said board shall consist of fifteen members appointed by the
136 Governor, subject to the provisions of section 4-9a, in the manner
137 prescribed for department heads in section 4-7, as follows: Five
138 physicians practicing in the state; one physician who shall be a
139 full-time member of the faculty of The University of Connecticut
140 School of Medicine; one physician who shall be a full-time chief of staff
141 in a general-care hospital in the state; one physician who shall be a
142 supervising physician for one or more physician assistants; one
143 physician who shall be a graduate of a medical education program
144 accredited by the American Osteopathic Association; one physician
145 assistant licensed pursuant to section 20-12b and practicing in this

146 state; and five public members.]

147 [(2) On and after October 1, 2012, said] (1) Said board shall consist of
148 twenty-one members, thirteen of whom are physicians, one of whom is
149 a physician assistant and seven of whom are public members, all of
150 whom are appointed by the Governor, subject to the provisions of
151 section [4-9a, in the manner prescribed for department heads in section
152 4-7] 4-1a, as follows: Three physicians of any specialty; three
153 physicians who shall be specialists in internal medicine; one physician
154 who shall be a psychiatrist; one physician who shall be a surgeon; one
155 physician who shall be an obstetrician-gynecologist; one physician
156 who shall be a pediatrician; one physician who shall be an emergency
157 medical physician; one physician who shall be a supervising physician
158 for one or more physician assistants; one physician who shall be a
159 graduate of a medical education program accredited by the American
160 Osteopathic Association; one physician assistant licensed pursuant to
161 section 20-12b; and seven public members.

162 [(3)] (2) No professional member of said board shall be an elected or
163 appointed officer of a professional society or association relating to
164 such member's profession at the time of appointment to the board or
165 have been such an officer during the year immediately preceding
166 appointment or serve for more than two consecutive terms.
167 Professional members shall be practitioners in good professional
168 standing and residents of this state.

169 (b) All vacancies shall be filled by the Governor in the same manner
170 [prescribed for department heads in section 4-7] as the original
171 appointment. On and after October 1, 2012, successors and
172 appointments to fill a vacancy shall fulfill the same qualifications as
173 the member succeeded or replaced. In addition to the requirements in
174 [sections 4-9a and] section 19a-8, no person whose spouse, parent,
175 brother, sister, child or spouse of a child is a physician, as defined in
176 section 20-13a, or a physician assistant, as defined in section 20-12a,
177 shall be appointed as a public member.

178 Sec. 5. Subsection (b) of section 31-102 of the general statutes is
179 repealed and the following is substituted in lieu thereof (*Effective from*
180 *passage*):

181 (b) Whenever conditions warrant, the Labor Commissioner or the
182 chairman of the board shall request the Governor to appoint, and the
183 Governor shall have authority to appoint, alternate members of said
184 board in such numbers and for such periods of time as he may
185 determine to be necessary, [but not longer than one year,] in order that
186 said board may render efficient service in performing the duties
187 committed to it by statute. Any alternate member shall serve in
188 accordance with the provisions of section 4-1a. Any such alternate
189 shall meet the same qualifications and receive the same compensation
190 as regular members of the board. An alternate member shall serve in
191 place of an absent member of the board at any time when so directed
192 by the board and while so serving shall have all the powers of
193 members of the board. Alternate members so appointed shall have
194 power to complete any matter pending at the expiration of the term for
195 which they were appointed.

196 Sec. 6. Subsection (b) of section 19a-178a of the general statutes is
197 repealed and the following is substituted in lieu thereof (*Effective from*
198 *passage*):

199 (b) The advisory board shall consist of members appointed in
200 accordance with the provisions of this subsection and shall include the
201 Commissioner of Public Health, [and] the department's emergency
202 medical services medical director and the president of each of the
203 regional emergency medical services councils, or their designees. The
204 Governor shall appoint the following members: One person from [each
205 of the regional emergency medical services councils; one person from]
206 the Connecticut Association of Directors of Health; three persons from
207 the Connecticut College of Emergency Physicians; one person from the
208 Connecticut Committee on Trauma of the American College of
209 Surgeons; one person from the Connecticut Medical Advisory
210 Committee; one person from the Emergency Department Nurses

211 Association; one person from the Connecticut Association of
212 Emergency Medical Services Instructors; one person from the
213 Connecticut Hospital Association; two persons representing
214 commercial ambulance providers; one person from the Connecticut
215 Firefighters Association; one person from the Connecticut Fire Chiefs
216 Association; one person from the Connecticut Chiefs of Police
217 Association; one person from the Connecticut State Police; and one
218 person from the Connecticut Commission on Fire Prevention and
219 Control. An additional eighteen members shall be appointed as
220 follows: Three by the president pro tempore of the Senate; three by the
221 majority leader of the Senate; four by the minority leader of the Senate;
222 three by the speaker of the House of Representatives; two by the
223 majority leader of the House of Representatives and three by the
224 minority leader of the House of Representatives. The appointees shall
225 include a person with experience in municipal ambulance services; a
226 person with experience in for-profit ambulance services; three persons
227 with experience in volunteer ambulance services; a paramedic; an
228 emergency medical technician; an advanced emergency medical
229 technician; three consumers and four persons from state-wide
230 organizations with interests in emergency medical services as well as
231 any other areas of expertise that may be deemed necessary for the
232 proper functioning of the advisory board.

233 Sec. 7. Subsection (a) of section 19a-182 of the general statutes is
234 repealed and the following is substituted in lieu thereof (*Effective from*
235 *passage*):

236 (a) The emergency medical services councils shall advise the
237 commissioner on area-wide planning and coordination of agencies for
238 emergency medical services for each region and shall provide
239 continuous evaluation of emergency medical services for their
240 respective geographic areas. A regional emergency medical services
241 coordinator, in consultation with the commissioner, shall assist the
242 emergency medical services council for the respective region in
243 carrying out the duties prescribed in subsection (b) of this section. As

244 directed by the commissioner, the regional emergency medical services
245 coordinator for each region shall facilitate the work of each respective
246 emergency medical services council including, but not limited to,
247 representing the Department of Public Health at any Council of
248 Regional [Chairpersons] Presidents meetings.

249 Sec. 8. Section 19a-183 of the general statutes is repealed and the
250 following is substituted in lieu thereof (*Effective from passage*):

251 There shall be established an emergency medical services council in
252 each region. A region shall be composed of the towns so designated by
253 the commissioner. Opportunity for membership shall be available to
254 all appropriate representatives of emergency medical services
255 including, but not limited to, one representative from each of the
256 following: (1) Local governments; (2) fire and law enforcement
257 officials; (3) medical and nursing professions, including mental health,
258 paraprofessional and other allied health professionals; (4) providers of
259 ambulance services, at least one of which shall be a member of a
260 volunteer ambulance association; (5) institutions of higher education;
261 (6) federal agencies involved in the delivery of health care; and (7)
262 consumers. All emergency medical services councils, including those
263 in existence on July 1, 1974, shall submit to the commissioner
264 information concerning the organizational structure and council
265 bylaws for the commissioner's approval. Such bylaws shall include the
266 process by which each council shall elect a president. The
267 commissioner shall foster the development of emergency medical
268 services councils in each region.

269 Sec. 9. Subsection (b) of section 19a-184 of the general statutes is
270 repealed and the following is substituted in lieu thereof (*Effective from*
271 *passage*):

272 (b) The [chairpersons] presidents, or their designees, of said councils
273 shall meet as a group, at least bimonthly, with the Office of Emergency
274 Medical Services to discuss the planning, coordination and
275 implementation of the state-wide emergency medical care service

276 system.

277 Sec. 10. Section 9-167a of the general statutes is repealed and the
278 following is substituted in lieu thereof (*Effective from passage*):

279 (a) (1) Except as provided in subdivision (2) of this subsection, the
280 maximum number of members of any board, commission, legislative
281 body, committee or similar body of the state or any political
282 subdivision thereof, whether elective or appointive, who may be
283 members of the same political party, shall be as specified in the
284 following table:

T1	COLUMN I	COLUMN II
T2	Total Membership	Maximum from One Party
T3	3	2
T4	4	3
T5	5	4
T6	6	4
T7	7	5
T8	8	5
T9	9	6
T10	More than 9	Two-thirds of
T11		total membership

285 (2) (A) The provisions of this section shall not apply ~~[(A)]~~ (i) to any
286 such board, commission, committee or body whose members are
287 elected wholly or partially on the basis of a geographical division of
288 the state or political subdivision, ~~[(B)]~~ (ii) to a legislative body of a
289 municipality ~~[(i)]~~ (I) having a town meeting as its legislative body or
290 ~~[(ii)]~~ (II) for which the charter or a special act, on January 1, 1987,
291 provided otherwise, ~~[or (C)]~~ (iii) to the city council of an
292 unconsolidated city within a town and the town council of such town
293 if the town has a town council and a representative town meeting, the
294 town charter provides for some form of minority representation in the
295 election of members of the representative town meeting, and the city
296 has a city council and a body having the attributes of a town meeting,

297 or [(D)] (iv) to the board of directors and other officers of any district,
298 as defined in section 7-324, having annual receipts from all sources not
299 in excess of two hundred fifty thousand dollars.

300 (B) For the purposes of this section, members of an appointive board
301 or commission who serve on such board or commission by virtue of
302 holding a particular, distinct office shall not be included in the
303 calculation, as provided in subsection (b) of this section, to determine
304 the maximum number of members of any political party who may be
305 appointed to such board or commission.

306 (b) Prior to any election for or appointment to any [such body]
307 board, commission, legislative body, committee or similar body of the
308 state or any political subdivision thereof, the municipal clerk, in cases
309 of elections, and the appointing authority, in cases of appointments,
310 shall determine the maximum number of members of any political
311 party who may be elected or appointed to such body at such election
312 or appointment. Such maximum number shall be determined for each
313 political party in the following manner: From the number of members
314 of one political party who are members of such body at the time of the
315 election or appointment, subtract the number of members of such
316 political party whose terms expire prior to the commencement of the
317 terms for which such election or appointment is being held or made
318 and subtract the balance thus arrived at from the appropriate number
319 specified in column II of subsection (a) of this section.

320 (c) In the case of any election to any such body the winner or
321 winners shall be determined as under existing law with the following
322 exception: The municipal clerk shall prepare a list of the candidates
323 ranked from top to bottom according to the number of votes each
324 receives; when the number of members of any one political party who
325 would be elected without regard to this section exceeds the maximum
326 number as determined under subsection (b) of this section, only the
327 candidates of such political party with the highest number of votes up
328 to the limit of such maximum shall be elected, and the names of the
329 remaining candidates of such political party shall be stricken from the

330 list. The next highest ranking candidates shall be elected up to the
331 number of places to be filled at such election.

332 (d) If an unexpired portion of a term is to be filled at the same time
333 as a full term, the unexpired term shall be deemed to be filled before
334 the full term for purposes of applying this section. At such time as the
335 minority representation provisions of this section become applicable to
336 any board, commission, committee or body, any vacancy thereafter
337 occurring which is to be filled by appointment shall be filled by the
338 appointment of a member of the same political party as that of the
339 vacating member.

340 (e) Nothing in this section shall be construed to repeal, modify or
341 prohibit enactment of any general or special act or charter which
342 provides for a greater degree of minority representation than is
343 provided by this section.

344 (f) Nothing in this section shall deprive any person who is a
345 member of any such body on July 1, 1960, of the right to remain as a
346 member until the expiration of his term.

347 (g) For the purposes of this section, a person shall be deemed to be a
348 member of the political party on whose enrollment list his name
349 appears on the date of his appointment to, or of his nomination as a
350 candidate for election to, any office specified in subsection (a) of this
351 section, provided any person who has applied for erasure or transfer of
352 his name from an enrollment list shall be considered a member of the
353 party from whose list he has so applied for erasure or transfer for a
354 period of three months from the date of the filing of such application
355 and provided further any person whose candidacy for election to an
356 office is solely as the candidate of a party other than the party with
357 which he is enrolled shall be deemed to be a member of the party of
358 which he is such candidate.

359 (h) For the purposes of this section, the appointing authority for any
360 member of any board or commission shall notify all other appointing

361 authorities for members of such board or commission of each
 362 appointment made, including the name, town of residence and
 363 political affiliation of the person appointed, not later than five calendar
 364 days after such appointment. Such notification may be transmitted by
 365 electronic means.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-153f(a)
Sec. 2	<i>from passage</i>	10a-179(a)
Sec. 3	<i>from passage</i>	12-802(b)
Sec. 4	<i>from passage</i>	20-8a(a) and (b)
Sec. 5	<i>from passage</i>	31-102(b)
Sec. 6	<i>from passage</i>	19a-178a(b)
Sec. 7	<i>from passage</i>	19a-182(a)
Sec. 8	<i>from passage</i>	19a-183
Sec. 9	<i>from passage</i>	19a-184(b)
Sec. 10	<i>from passage</i>	9-167a

GAE *Joint Favorable*